

Notice of Allowability**Application No.**

09/614,937

Applicant(s)

PHILYAW, JEFFREY JOVAN

Examiner

PELING A. SHAW

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/18/2011.
2. ☒ The allowed claim(s) is/are 1-4,6-8,10,13-16,18-22,24,25,27,31-33 and 35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20110414.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Peling A Shaw/
Primary Examiner, Art Unit 2444

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/18/2011 has been entered. A Terminal Disclaimer was filed and received on 04/13/2011. It is to resolve the issue of Double Patenting of current application vs. application # 11/877,510 as in sections 4-6 of Office Action mailed on 08/18/2010. Claims 1, 19 and 27 are amended. Claims 9, 11-12, 26 and 28-30 are cancelled. Claims 1-8, 10, 13-16, 18-25, 27, 31-33 and 35 are pending.
2. Amendment received on 06/09/2010 was entered into record. Claims 1-2, 5-6, 8, 19-20, 23-25 and 33 were amended.
3. Applicant's submission filed on January 11, 2010 was entered.

Priority

4. This application is a CIP of 09/378,221 (08/19/1999), which is a CIP of 09/151,471 (09/11/1998) and is a CIP of 09/151,530 (09/11/1998) U.S. Patent Number 6,098,106. The effective filing date for the subject matter defined in the pending claims, which has support in parent 09/378,221 in this application, is 08/19/1999. Any new subject matter defined in the claims not previously disclosed in parent 09/378,221, is entitled to the effective filing date of 07/12/2000.

Examiner's Amendment

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with Gregory M. Howison (reg. no. 30,646) on 04/13/2011.
7. The application has been amended against applicant submitted claim set dated 02/18/2011 as follows (only examiner amended claims are shown):

IN THE CLAIMS

1. (Currently amended) A method of displaying a web page to a user who has in close association therewith a portable triggering device having a unique code stored therein and a unique portable triggering device identification code stored therein, the unique portable triggering device identification code being exclusively associated with that portable triggering device, comprising the steps of:

in response to the portable triggering device being within a predetermined proximity of an activation system, the activation system interacting with the portable triggering device causing the unique code from the triggering device to be extracted therefrom through first, activation of the portable triggering device by the activation system and then transmission of the unique code to the activation system, the activation system interfaced with a network and physically separate from the portable triggering device;

appending, to the unique code, routing information which defines the location of an intermediary location on the network such that the unique code is transmitted to the intermediary location by the activation system in accordance with the appended routing information;

retrieving location information associated with the unique code from a database at the intermediary location, the location information corresponding to a location of the web page on a remote location disposed on the network, wherein the step of retrieving location information is a result of matching the unique code with the location information of the database;

in response to retrieving the location information, automatically connecting the activation system to the remote location; and

presenting the web page corresponding to the location information of the remote location to the user.

5. (Cancelled)

6. (Currently amended) The method of ~~Claim 5~~ Claim 1, wherein the step of causing further includes causing the unique ~~transponder~~ portable triggering device identification code to be extracted from the portable triggering device with the activation system.

7. (Currently amended) The method of Claim 6, wherein the step of retrieving location information further comprises the step of matching the unique code and the unique ~~transponder~~ portable triggering device identification code with the location information of the database.

10. (Currently amended) The method of ~~Claim 9~~ Claim 1, wherein the database in the step of retrieving is local to the activation system.

19. (Currently amended) An apparatus for displaying a web page to a user having a portable triggering device with a unique code stored therein and a unique portable triggering device

identification code stored therein, said unique portable triggering device identification code being exclusively associated with said portable triggering device, comprising:

an activation system disposed on a network that, when the portable triggering device is within a predetermined proximity thereof, the activation system operable to interface with the portable triggering device to cause the unique code from said triggering device to be extracted therefrom in response to activation of the portable triggering device by the activation system and then transmission of the unique code to the activation system when said portable triggering device is proximate to said activation system, said activation system physically separate from said portable triggering device;

wherein routing information which defines the location of an intermediary location on the network is appended to the unique code such that the unique code is transmitted to the intermediary location by the activation system in accordance with the routing information;

wherein location information associated with said unique code is retrieved from a database at the intermediary location, said location information corresponding to a location of the web page on a remote location disposed on said network, wherein retrieving location information is a result of matching the unique code with the location information of the database;

wherein in response to said location information being retrieved from said database, said activation system is automatically connected to said remote location;

wherein the corresponding web page of said remote location is presented to the user via said activation system on a display.

23. (Cancelled)

Reasons for Allowance

8. Claims 1-4, 6-8, 10, 13-16, 18-22, 24-25, 27, 31-33 and 35 are allowed as amended above.

The following is an examiner's statement of reasons for allowance:

The closest prior arts of record issued to Hudetz et al. (U.S. Patent Number 5,978,773), Nelson (U.S. Patent Number 6,297,727), Russell et al. (U.S. Patent Number 5,905,248) and Wellner (U.S. Patent Number 5,640,193) fail to teach or suggest "a method of displaying a web page to a user who has in close association therewith a portable triggering device having a unique code stored therein and a unique portable triggering device identification code stored therein, the unique portable triggering device identification code being exclusively associated with that portable triggering device, comprising the steps of: in response to the portable triggering device being within a predetermined proximity of an activation system, the activation system interacting with the portable triggering device causing the unique code from the triggering device to be extracted therefrom through first, activation of the portable triggering device by the activation system and then transmission of the unique code to the activation system, the activation system interfaced with a network and physically separate from the portable triggering device; appending, to the unique code, routing information which defines the location of an intermediary location on the network such that the unique code is transmitted to the intermediary location by the activation system in accordance with the appended routing information; retrieving location information associated with the unique code from a database at the intermediary location, the location information corresponding to a location of the web page on a remote location disposed on the network, wherein the step of retrieving location information

is a result of matching the unique code with the location information of the database; in response to retrieving the location information, automatically connecting the activation system to the remote location; and presenting the web page corresponding to the location information of the remote location to the user”.

Applicant has amended significantly as per Amendment received on 02/18/2011 and Examiner's Amendment above with the limitation combination of "a unique portable triggering device identification code stored therein, the unique portable triggering device identification code being exclusively associated with that portable triggering device", "transmission of the unique code to the activation system", "appending, to the unique code, routing information which defines the location of an intermediary location on the network such that the unique code is transmitted to the intermediary location by the activation system in accordance with the appended routing information", "with the unique code from a database at the intermediary location" and "wherein the step of retrieving location information is a result of matching the unique code with the location information of the database". Examiner has reviewed the independent claim language in light of applicant's published specification and original claim language. Examiner has reviewed the claim rejections and applied prior arts, i.e. Hudetz et al., Nelson, Russell et al. and Wellner as per Office Action mailed 08/18/2010. Examiner has performed a further search on independent claim language. Examiner has found that Hudetz et al., Nelson, Russell et al. and Wellner are still the closest prior arts on the claimed invention as presented in the Examiner's Amendment above. However, Hudetz et al., Nelson, Russell et al. and Wellner together do not disclose in full the specific feature combination as presented in

independent claim language of the Examiner's Amendment. Independent claims 1 and 19 are to be allowed.

The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Primary Examiner, Art Unit 2444